

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3, 14, 15, 17, 20, 21, 23, and 24 are pending in the present application; claim 1 having been amended, claim 22 having been canceled, and claim 24 having been added by way of the present amendment.

In the outstanding Office Action, claims 1, 3, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Heuberger et al. (U.S. 5,147,062) in view of Shryock (Des 363455 A); claims 14, 15, 20, and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Heuberger et al. in view of Shryock, and further in view of Katsuyama (U.S. 6,519,436); and claims 17 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Heuberger at al. in view of Shryock and further in view of Lloyd, et al. (U.S. 6,253,993).

Claims 1, 3, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Heuberger at al. in view of Shryock. This rejection is respectfully traversed.

Independent Claim 1 has been amended to recite a deformable container containing toner within the container storage box. It is acknowledged that previous dependent claim 22 recited that the deformable container is either a toner storage container or a developer storage container. However, no prior art, either alone or in combination discloses or suggests each of the limitations of independent claim 1, including that the deformable container has a flexible region and a discharge part for discharging the toner to an image forming apparatus via a container holding part of the image forming apparatus. These features of the invention are supported, for example, by pages 25 and 26 of the originally filed specification and Figures 8A-9.

With respect to the claimed discharging part, Heuberger at al. merely discloses in Figures 2 and 3 that the internal bag in the paper pack container includes the cap 26 screwed to the sleeve 24. The cap 26 is in the fully closed state and does not function to discharge the content of the internal bag to an external device.

Moreover, Heuberger at al. is related to a paper pack container with an internal bag for receiving fluids. Receiving fluids is quite different from discharging toner. Moreover, the outstanding Office Action at the middle portion of page 3 explains that Heuberger at al.'s container is for dispensing flour but this is an erroneous statement and Heuberger at al. does not disclose or suggest the dispensing of flour, as alleged by the outstanding Office Action.

Additionally, the combination of Heuberger at al. and Shryock would not result in the claimed invention and this combination is not completely understood. Shryock discloses a shape of a flower pot cover. Shryock does not disclose or suggest the materials of the flower pot cover, but in order to maintain longevity and durability, it is believed that a material which may be used by Shryock would be a rigid plastic. It is unseen how the teachings of Shryock can be combined with Heuberger at al. as Heuberger at al. relates to a pack container, for example, as shown in Figure 1A thereof.

Moreover, there must be some type of motivation to change the shape. The outstanding Office Action has not provided any motivation for changing the shape of Heuberger at al. but merely states that changing a shape or size is within the level of ordinary skill in the art. This statement of the law is not disputed, but there must be some type of reason to change the shape in a manner which would result in the claimed invention. However, the outstanding Office Action does not provide any reason or explanation as to why one of ordinary skill in the art would change the shape.

In view of the amendments to claim 1, dependent claim 22 has been canceled. The outstanding Office Action has rejected dependent claim 22, using the additional feature of Katsuyama pertaining to a toner storage container. However, it has not been explained how one of ordinary skill in the art would or could use the teachings of Katsuyama with Heuberger at al. and/or Shryock in order to achieve the claimed invention. The Office Action merely explains that it would have been obvious to use Heuberger at al.'s fluid container as a toner storage container, but no explanation of why this would be obvious, or any motivation for making such a modification has been set forth.

Accordingly, independent claim 1 and each of the claims depending therefrom are respectfully requested to be withdrawn.

Added dependent claim 24 recites that the discharging part of the deformable container is within the container storage box without any part of the discharging part protruding through the container storage box. This feature is supported by the figures of the present application which show the deformable container including the discharge part totally contained within the container storage box. The prior art used to reject the claims including Heuberger at al. and Katsuyama have some type of part which is exposed to the exterior of the container.

For this additional reason, added dependent claim 24 is patentable over the prior art.

Applicant would like to also bring to the attention of the Examiner related U.S. application serial no. 10/544,746. Note the most recent Office Action of application no. 10/544,746 and JP 9-328167 cited therein.

Consequently, in light of the above discussion and in view of the present amendment, the present application is in condition for formal allowance and an early and favorable action to that effect is requested.

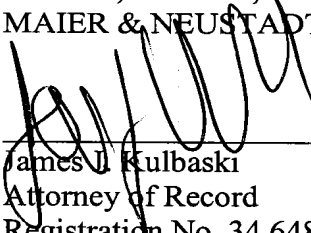
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)

  
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James J. Kulbaski  
Attorney of Record  
Registration No. 34,648